

512 Rec'd PCT/PTO 28 MAY 1999

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FORM 100-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

45/235 Li/Sch

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Unknown

INTERNATIONAL APPLICATION NO.
PCT/EP98/06074

INTERNATIONAL FILING DATE
23 September 1998

PRIORITY DATE CLAIMED
30 September 1997

TITLE OF INVENTION
GEMSTONE

APPLICANT(S) FOR DO/EO/US

Ernst Michael Winter, Lothar Schäfer and Thorsten Matthee

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
- 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- 9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- 10. ☐ A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

- 11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- 13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
- 14. ☐ A substitute specification.
- 15. ☐ A change of power of attorney and/or address letter.
- 16. ☒ Other items or information:

Affidavit

"Express Mail" Mailing Label Number EL 383 010 412

Date of Deposit May 28, 1999

I hereby certify that the foregoing is a true and correct copy of the original document(s) and information submitted.

Bernice Marquez
Bernice Marquez, Sec'y

Rec'd PCT/PTO 23 MAY 1999

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<p>17. <input type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1070.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$930.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$98.00</p> <p>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 840.00</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:15%;">NUMBER FILED</th> <th style="width:15%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> <th style="width:15%;">\$</th> <th style="width:15%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$22.00</td> <td>\$</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$82.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$270.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$</td> <td>840.00</td> </tr> <tr> <td colspan="4">Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">SUBTOTAL =</td> <td>\$</td> <td>840.00</td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">TOTAL NATIONAL FEE =</td> <td>\$</td> <td>840.00</td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">TOTAL FEES ENCLOSED =</td> <td>\$</td> <td>840.00</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>charged:</td> <td>\$</td> </tr> </tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	- 20 =		x \$22.00	\$		Independent claims	- 3 =		x \$82.00	\$		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$		TOTAL OF ABOVE CALCULATIONS =				\$	840.00	Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$		SUBTOTAL =				\$	840.00	Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		TOTAL NATIONAL FEE =				\$	840.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		TOTAL FEES ENCLOSED =				\$	840.00					Amount to be refunded:	\$					charged:	\$	<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>840.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-1653</u>. A duplicate copy of this sheet is enclosed. In the event there is any discrepancy in the amount sent herewith or at any time in the future, please charge any additional fee or credit any overpayment to the above deposit account number.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>ROBERT W. BECKER & ASSOCIATES 11896 N. Highway 14 Suite B Tijeras NM 87059</p>	
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